

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES V. CAICO,

Plaintiff,

No. CIV S-02-1608 MCE GGH P

vs.

D.L. RUNNELS, et al.,

Defendants.

ORDER

On June 6, 2006, the court recommended that defendant Nun be dismissed. On June 27, 2006, plaintiff filed a response to the findings and recommendations. In this pleading, plaintiff requests that defendant Nun be dismissed. The court construes this as a request to voluntarily dismiss defendant Nun.

Good cause appearing, IT IS HEREBY ORDERED that:

1. The June 6, 2006, findings and recommendations are vacated;
2. Plaintiff's request to dismiss defendant Nun is granted; defendant Nun is dismissed. Fed. R. Civ. P. 41(a).

DATED: 8/9/06

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWES
UNITED STATES MAGISTRATE JUDGE